

**COMPLAINT BY A PRISONER UNDER THE CIVIL RIGHTS ACT, 42 U.S.C. § 1983**Name Gomez Timoteo

(Last)

(First)

(Initial)

Prisoner Number F01170Institutional Address SAN QUENTIN STATE PRISON 94964**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

(Enter the full name of plaintiff in this action.)

vs.

(Enter the full name of the defendant(s) in this action.)

**CV****08****1995**Case No.  
(To be provided by the Clerk of Court)**COMPLAINT UNDER THE  
CIVIL RIGHTS ACT,  
Title 42 U.S.C § 1983****E-filing****[All questions on this complaint form must be answered in order for your action to proceed..]****I. Exhaustion of Administrative Remedies.****[Note:** You must exhaust your administrative remedies before your claim can go forward. The court will dismiss any unexhausted claims.]A. Place of present confinement SAN QUENTIN

B. Is there a grievance procedure in this institution?

YES ☒ NO ( )

C. Did you present the facts in your complaint for review through the grievance procedure?

YES ☒ NO ( )

D. If your answer is YES, list the appeal number and the date and result of the appeal at each level of review. If you did not pursue a certain level of appeal, explain why.

Log number <sup>CSA</sup> 4-02-00672 DATE 3-11-08  
Log number CSA-4-02-00737

COMPLAINT

CRB  
555FILED  
08 APR 17 AM 10:30  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

CRB

(PR)

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1 1. Informal appeal \_\_\_\_\_

2 \_\_\_\_\_

3 \_\_\_\_\_

4 2. First formal level \_\_\_\_\_

5 \_\_\_\_\_

6 \_\_\_\_\_

7 3. Second formal level \_\_\_\_\_

8 \_\_\_\_\_

9 \_\_\_\_\_

10 4. Third formal level \_\_\_\_\_

11 \_\_\_\_\_

12 \_\_\_\_\_

13 E. Is the last level to which you appealed the highest level of appeal available to

14 you?

15 YES ( ) NO ( )

16 F. If you did not present your claim for review through the grievance procedure,

17 explain why. \_\_\_\_\_

18 \_\_\_\_\_

19 \_\_\_\_\_

20 II. Parties.

21 A. Write your name and your present address. Do the same for additional plaintiffs,

22 if any.

23 JIMOTEO GOMEZ FOI170

24 SANQUENTIN STATE PRISON 1B16

25 SANQUENTIN CALIF 94974

26 B. Write the full name of each defendant, his or her official position, and his or her

27 place of employment.

28 DR PACHYNSKI, CHIEF MEDICAL OFFICER TOOTELL DR NANCY BRONSON

1 DR DAVIE WIL, ELSA MONROE (NURSE) THESE INDIVIDUALS  
2 ARE EMPLOYED AT SANQUENTIN STATE PRISON  
3  
4

### 5 III. Statement of Claim.

6 State here as briefly as possible the facts of your case. Be sure to describe how each  
7 defendant is involved and to include dates, when possible. Do not give any legal arguments or  
8 cite any cases or statutes. If you have more than one claim, each claim should be set forth in a  
9 separate numbered paragraph.

10 ABOUT THE BEGINNING OF FEBRUARY 2008 MY FIRST ENCOUNTER WITH DR  
11 PACHYNSKI WHOM AT THE TIME HAD MY MEDICAL ~~PERSONAL~~ RECORDS I EXPL-  
12AINED TO HER MY MEDICAL CONDITIONS I ASKED HER FOR A REFILL OF THE MEDS  
13 I WAS <sup>TAKING</sup> THE LAST TIME I WAS HERE WHICH WAS 60 MG MORPHINE DUE TO ME  
14 HAVING CHRONIC PAIN BOTH IN MY HEAD AND BACK BOTH FROM OPERATIONS  
15 DR PACHYNSKI PURPOSELY REFUSED TO GIVE ME MY REFILL THE TWO GRIEVANCES  
16 I MADE WERE GRANTED MEANING THEY AGREED TO WHAT I WAS REQUESTING  
17 AND STILL THEY HAVEN'T GIVEN ME MY REFILL ON 4-1-08 I HAD A MAN  
18 DOWN INCIDENT I WAS TREATED VERY RUDE AND DISRESPECTFUL BY MEDICAL  
19 STAFF. ON 4-4-08 I WAS LISTED TO BE SEEN BY DR PACHYNSKI SHE  
20 TOLD ME IN FRONT OF THE OFFICER WHO ESCORTED ME TO MY APPOINT THAT SHE  
21 WASN'T GOING TO SEE I HAVE BEEN CONSTANTLY LIES TO AND REFUSED MY  
22 MEDS ON PURPOSE

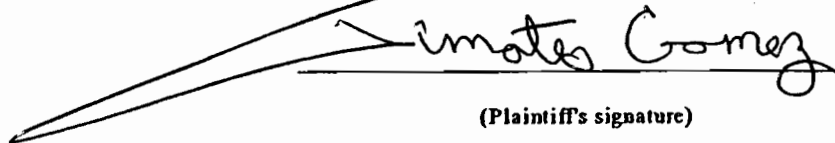
### 23 IV. Relief.

24 Your complaint cannot go forward unless you request specific relief. State briefly exactly  
25 what you want the court to do for you. Make no legal arguments; cite no cases or statutes.

26 TO MAKE SANQUENTIN MEDICAL STAFF GIVE ME WHAT I WAS GRA-  
27NTED FROM MY GRIEVANCES WHICH WAS 60 MG MS CONTIN (MORPH-  
28INE) TWICE A DAY IN THE MORNING AND AT NIGHT TO HAVE THIS

1 PRESCRIPTION PERMANENT PUT IN MY MEDICAL RECORDS, I BEEN  
2 DIAGNOSED WITH CHRONIC PAIN AND TO HAVE MEDICAL STAFF GIVE  
3 ME CHRONOS STATING THAT MY PRESCRIPTIONS OF MS CONTINUING  
4 TO BE GIVEN TO ME WITHOUT IT BEING CHANGED THANK YOU I ALSO  
5 WANT TO FILE FOR MALPRACTICE AND NEGLIGENCE  
I declare under penalty of perjury that the foregoing is true and correct.

6  
7 Signed this <sup>Timoteo</sup> ~~gomez~~ day of 4-4-2008

8  
9   
10 (Plaintiff's signature)



①

4-4-08

TO THE COURTS'. EVER SINCE MY FIRST ENCOUNTER WITH DOCTOR PACHYNSKI SHE HAD ME SIGN A PERMISSION FORM ON FEBRUARY 19, 2008 SO THAT SHE COULD RECEIVE MY MEDICAL RECORDS FROM SAN FRANCISCO GENERAL HOSPITAL A WEEK LATER I HAD ANOTHER APPOINTMENT WITH DR. PACHYNSKI I SAW THE SAME FORM SHE HAD ME SIGN ON HER DESK WHEN I ASKED ~~HER~~ HER AS TO WHY SHE HADN'T SEND THE FORM TO THE HOSPITAL SHE LIED AND BLAMED HER NURSE FOR NOT SENDING IT I WAS A ~~LITTLE~~ LITTLE CURIOUS BECAUSE ABOVE THE FORM IT STATED (A.S.A.P.) TWO WEEKS LATER I HAD ANOTHER APPOINTMENT AND STILL SHE HAVEN'T GOTTEN MY MED. RECORDS FROM SAN FRAN GEN. HOSPITAL I STRONGLY FEEL IT WAS NEVER HER INTENTIONS TO GET THE RECORDS STILL TO THIS DAY THE COPIES SHE WAS SUPPOSE TO REQUESTING FROM THE HOSPITAL ARE NOT IN MY MEDICAL RECORDS HERE IN THE PRISON WHEN I ASKED HER IF I COULD HAVE A REFILL OF MY PRESCRIPTION WHEN I WAS HERE LAST YEAR SHE REFUSED AND PRESCRIBED ME A MEDICATION WHAT SHE WANTED TO GIVE ME WHICH WAS SOMETHING MUCH LESS THAN WHAT I WAS TALKING LAST YEAR WHEN I BROUGHT THIS TO HER ATTENTION SHE TOLD ME WHAT I'M PRESCRIBING FOR YOU IT WILL HELP YOUR PAIN, I ASKED HER HOW CAN 5 MILLIGRAMS OF METHADONE BE MORE BETTER THAN 60 MILLIGRAMS OF MORPHINE SHE TOLD ME THAT'S MY FINAL DECISION THIS DOCTOR DR. PACHYNSKI SHE IS VERY WELL AWARE OF MY MEDICAL CONDITIONS I HAD BRAIN TUMOR REMOVED WHICH WAS VERY CANCEROUS IT'S IN REMISSION I WAS DIAGNOSED WITH CHRONIC MIGRAINE HEADACHES, I ALSO HAD 2 OPERATIONS ON MY BACK IN WHICH I WAS ALSO DIAGNOSED WITH SEVERE CHRONIC PAIN IN MY BACK FOR 3 MONTHS I KEPT CONSTANTLY COMPLAINING ABOUT THE 5MG OF METHADONE DO NOT HELP MY PAIN SHE KEPT IGNORING MY REQUESTS AND REF-

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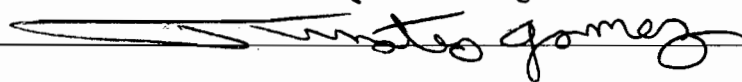
USED TO CHANGE MY PAIN MEDICATION, AS TIME WENT ON MY PAIN WENT GETTING WORSE, ON APRIL 1, 2008 I FELL AND WAS NON RESPONSIVE MY ROOMMATE HAD TO CALL "MANDOWN" CUANDO THE OFFICERS SEEN THAT I WAS NON RESPONSIVE THEY PUSH THEIR ALARM BUTTON AND RADIOED FOR A MEDICAL MANDOWN THE TTA NURSE, NURS SOLARIO QUESTIONED ME (IN SPANISH) IF I WOULD BE ABLE TO MOVE I TOLD HER NO DUE TO THE AMOUNT OF PAIN I WAS IN. I HAD TO BE TAKEN OVER TO THE INFIRMARY BY STRETCHER WHEN I ARRIVED TO THE INFIRMARY FROM THE PAIN I HAD I WAS SCREAMING I ALREADY HAD TWO BACK OPERATIONS TWO DISCS WERE TAKEN OUT L4 & L5 IN MY LOWER BACK AND I HAVE SCOLIOSIS AND SCIATICA IN MY LEFT LEG WHEN I SCREAMING FIRST THE DOCTOR DR NANCY BRANSON TOLD ME TO "SHUT UP" AND IF I DIDN'T I WOULD BE REMOVED IMMEDIATELY FROM THE INFIRMARY ROOM AND NURSE ELSA MONROE WAS IN AGREEMENT WITH THE DOCTOR THAT THEY DIDN'T CARE HOW MUCH I WAS IN THAT THEY WAS TRYING TO ATTEND TO OTHER INMATES, THE PAIN I WAS IN IT WAS ALMOST IMPOSSIBLE FOR ME TO BE QUIET THEN NURS ELSA MONROE TOLD ME IN SPANISH "YOU WAS ALREADY TOLD TO SHUT UP WHEN DR. NANCY BRANSON HEARD HER TELLING ME THIS, DR. BRANSON TOLD ME "I TOLD YOU TO STOP THAT SCREAMING CONTINUE AND SEE WHAT HAPPENS" THEN DR. BRANSON CALLED THE "CHIEF MEDICAL OFFICER" DR. TOOTELL I EXPLAINED TO HER THAT NONE OF THE PAIN MEDICATION I RECEIVING IS HELPING ME AND THAT I HAVE BEEN COMPLAINING FOR THE PAST 2 AND HALF MONTHS AND ALL MY MEDICAL REQUEST FORMS I SENT IN DR PACHYNSKI TOLD ME THAT SHE NEVER RECEIVED ANY OF MY REQUESTS BUT I DON'T KNOW WHY SHE DIDN'T RECEIVE THEM SHE'S THE ONLY "HIGH RISK" DOCTOR AND ALL MY REQUESTS WAS ADDRESSED TO HER STATING HIGH RISK DR PACHYNSKI TOLD

TURN OVER

(2)

OFFICER NAME LOWDEN WHICH HE WAS KIND ~~ENOUGH~~ ENOUGH TO TAKE ME TO MY APPOINTMENT WITH DR PACHYNSKI WHEN WE ARRIVED TO DR PACHYNSKI'S OFFICE SHE TOLD ME IN FRONT OF OFFICER LOWDEN THAT SHE DIDN'T WANT TO SEE ME BUT THE OFFICER TOLD HER THAT I WAS ON HER LIST TO BE SEEN AND THAT HE SHOWED HER MY PASS SHE STILL TOLD US THAT SHE DIDN'T WANT TO SEE ME OFFICER LOWDEN TOLD HER HOW CAN YOU REFUSE AN INMATE MEDICAL TREATMENT IF HE'S ON YOUR LIST TO BE SEEN? SHE DR PACHYNSKI SAID THAT SHE DIDN'T CARE THAT SHE WOULD RE-SCHEDULE ME, SO I WAS TAKEN TO THE TTA ROOM IN WHICH DR DAVIS WOULD REFUSE TO TREAT ME THIS DOCTOR CLAIMS THAT I HAVE HOARDED MY MEDICATION IN THE PAST BUT HE NEVER HAD ANY PROOF NOR EVIDENCE HE WAS ONLY GOING BY HEARSAY SO BY DR DAVIS KNOWING ABOUT MY MEDICAL HISTORY EVERYTIME I HAD CONTACT WITH DR WU REGARDING ANY OF MY MEDICATIONS HE WOULD ALWAYS REFUSE ME TREATMENT JUST LIKE HE DID APRIL 4 2002. I WANT TO FILE A NEGLIGENCE AND MALPRACTICE LAWSUIT AGAINST SAN QUENTIN MEDICAL STAFF.

Thank you very much

 Antonio Gomez



60MEZ  
F-01170

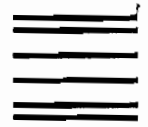
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